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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/162,735	09/29/98	GESSNER	R 013.0072

LM01/0808
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EXAMINER	
PERKINS,M	
ART UNIT	**PAPER NUMBER**
2776	3

DATE MAILED: 08/08/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary	Application No.	Applicant(s)	
	09/162,735	GESSNER, RICK	
	Examiner	Art Unit	
	Michael J. Perkins	2776	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

1)☒ Responsive to communication(s) filed on *29 September 1998* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 September 1998* is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)☐ All b)☐ Some * c)☐ None of the CERTIFIED copies of the priority documents have been:

1.☐ received.

2.☐ received in Application No. (Series Code / Serial Number) _____ .

3.☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)
16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
18) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other: .

DETAILED ACTION

Drawings

1. The draftsperson objects to the drawings. See attached form PTO-948 for details. Correction is required. However, formal correction of the noted defects can be deferred until the examiner allows the application.

Specification

2. The use of the trademark JAVA has been noted in this application. Applicant noted other trademarks (at least their first appearance in the application) with a ™ designation. Noting "JAVA™" at least for its first appearance would be appropriate.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner that might adversely affect their validity as trademarks.

3. The disclosure is objected to because of the following informalities:

- In general, the word "hypertext" (e.g., in "HyperText Markup Language") is not hyphenated. Please note this for future reference.
- Lines 7-8 of page 5 recite "via a network connection (e.g., via a URL, etc.)," thereby implying that a "URL" is a "network connection." A URL (uniform resource locator) is an address of a piece of information, such as a file or web page, plus a protocol (e.g., HTTP, FTP) for transferring that piece of information. It is often only a pointer to that

address, requiring a DNS (domain name server) to resolve a text domain to that domain's IP address. It is certainly not a network connection.

This confusion between a URL (i.e., address and protocol) arises again on pages 13 (lines 11-13) and 14 (last line). In both cases, language noting a "file" or "content/data source" pointed to by a URL would me more appropriate.

- Lines 4-5 of the abstract recite "via a network connection (e.g., such as via a URL, etc.)," thereby implying that a "URL" is a "network connection." First, as noted above, a URL (uniform resource locator) is not a "network connection." Second, use of "such as" following, "e.g.," is redundant and unnecessary.
- Lines 22-23 of page 8 recite, "methods for accessing characters in an input stream (usually a URL, a uniform resource locator)." While this could imply accessing characters from the URL itself (e.g., "http://"), in view of the above confusion regarding URLs the examiner suspects that this input stream is usually a data source pointed to by a URL.
- There should be a space between "components" and "106" on line 28 of page 5.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It recites the limitation "said Internet site" in lines 1-2. There is insufficient antecedent

basis for this limitation in the claim. Examiner suspects that this claim was supposed to depend from claim 4 instead of claim 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-2, 4-8, 10-14, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Colby* (Colby, Martin. Special Edition Using SGML. Que, Macmillan Computer Publishing. ©1996. Chapter 17.).

As per independent claim 1, *Colby* teaches:

- "a scanner component accessing an input content stream via a network connection to extract renderable content from said input content stream." See "What SGML Can Add to Web Sites" on pages 10-13 (NOTE: all page numbers for *Colby* refer to the printout enclosed with this action), which teaches Web browsers that display content retrieved via the Web. It also teaches Panorama, which adds SGML browsing capability to then-current Web browsers, e.g., at the bottom of page 12.
- "a parsing component coupled to said scanner component for parsing said renderable content." The Web browsers above inherently parse their renderable content (e.g., HTML tags from an HTML file) to display that content, e.g., a Web page.

While the above, *Colby* teaches (and as was well known in the art), browsers already did at the time of applicant's invention, *Colby* suggests modifying then-current browsers:

- "a replaceable document type definition component configured to control said parsing component based on a particular document type definition corresponding to a particular grammar, said replaceable document type definition component being replaceable during execution of said network client." See the first paragraph of page 12 and steps 1-4 that follow it.

Colby suggests modifying then-current browsers to include the ability to use replaceable DTDs retrieved while a browser operates. *Colby* also teaches "What Is Needed" (page 13). Therefore, modifying a browser to use multiple DTDs would have been obvious to one of ordinary skill in the art at the time of applicant's invention.

As per dependent claim 2, *Colby* teaches:

- "said replaceable document type definition component is configured to control said parsing component based on said particular document type definition which corresponds to a definition for HTML documents." *Colby* teaches SGML, DTDs, HTML, and the Web, e.g., in the last full paragraph of page 12. HTML is an SGML application specified by a DTD written in SGML, as *Colby* notes (among other places) in the first paragraph of "What HTML Can Add to Web Sites" on page 10. Alternatively, common browsers at the time of applicant's invention could already read HTML DTDs. In either case, enabling a browser to use an HTML DTD would have been obvious to one of ordinary skill in the art at the time of applicant's invention.

As per dependent claims 4-6, *Colby* teaches Web browsers, e.g., in the last full paragraph of page 12. Web browsers, as their name suggests, could receive content streams from World Wide Web sites (claim 5) on the Internet (claim 4). Both HTML and other SGML DTDs had to define "well-formed document[s] parsable by said parsing component" (claim 6) that used the appropriate SGML DTD. Otherwise, an HTML browser or other SGML viewing tool would have had trouble displaying the data properly.

As per independent claims 7 and 13, they are essentially the same as rejected independent claim 1, except for adding "manifesting said content model within a data processing environment." Web browsers, like those taught in *Colby*, had to manifest a content model according to a DTD to display a Web page from a parsed SGML or HTML document. Therefore, having a browser (e.g., those mentioned in *Colby*) manifest a content model from parsing content according to a DTD would have been obvious to one of ordinary skill in the art at the time of applicant's invention. For the remaining limitations, refer to the rationale relied upon to reject independent claim 1.

As per dependent claims 8 and 10-12, they recite essentially the same further limitations as rejected dependent claims 2 and 4-6, respectively. Refer to the rationales relied upon to reject claims 2 and 4-6.

As per dependent claims 14 and 16-18, they recite essentially the same further limitations as rejected dependent claims 2 and 4-6, respectively. Refer to the rationales relied upon to reject claims 2 and 4-6.

8. Claims 3, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Colby* as applied to claim 1 above, and further in view of *Powell* (Powell, Thomas A. "Extend the Web: An XML Primer. Internetweek, 11/24/97, Issue 691, pg. 47.).

As per dependent claim 3, *Colby* teaches SGML, DTDs, and the Web, but does not specify anything about XML because XML arose after *Colby* was written. However, *Powell* teaches:

- "said replaceable document type definition component is configured to control said parsing component based on said particular document type definition which corresponds to a definition for XML documents." *Colby* teaches SGML, DTDs, and the Web, e.g., in the last full paragraph of page 12. *Powell* teaches (first line of "The Rules of XML; page 3 of 8 in the enclosed printout) that XML was designed to be a subset of SGML "useful for the Web." Therefore, enabling a browser to use an XML DTD would have been obvious to one of ordinary skill in the art at the time of applicant's invention.

As per dependent claims 9 and 15, they recite essentially the same further limitations as rejected dependent claim 3. Refer to the rationale relied upon to reject claim 3.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. U.S. Patent 6,061,697 to Nakao, U.S. Classification 707/513, teaches creating DTDs for selected portions of SGML documents, wherein the DTDs allow for parsing and editing of the selected portion.

b. U.S. Patent 5,953,732 to Meske, Jr. et al., U.S. Classification 707/513, teaches parsing and converting newsfeeds using SGML DTDs, including the HTML DTD.

c. U.S. Patent 5,933, 841 to Schumacher et al., U.S. Classification 707/501, teaches a structured document browser that reads a DTD, parses content according to that DTD, then displays the content.

d. U.S. Patent 5,875,441 to Nakatsuyama, U.S. Classification 707/1, teaches retrieving structured documents based on a query of document structure.

e. U.S. Patent 5,848,386 to Motoyama, U.S. Classification 704/5, teaches reading document type definitions and using the DTDs to parse a document, then translate marked up data within the document.

f. U.S. Patent 5,787,449 to Volpe et al., U.S. Classification 707/513, teaches mapping the locations of SGML tags.

g. U.S. Patent 5,583,762 to Shafer, U.S. Classification 707/532, teaches automated generation of an SGML DTD for a collection of documents.

h. U.S. Patent 5,438,512 to Mantha et al., U.S. Classification 707/517, teaches a "co-ordination grammar specifying means" that appears to work by selecting an analog to a DTD.

i. U.S. Patent 4,969,093 to Barker et al., U.S. Classification 709/102, teaches processing a "data stream" having embedded tags using "shells" that appear to work as containers holding data with certain parse rules.

j. Altschuler, Liora; Alexander, George. "Coming of Age in Cyberspace: Births, Deaths, and Milestones at SGML/XML '97 (conference held week of 08 December 1997). Seybold

Report on Internet Publishing, January 1998, Vol. 2 No. 5, pg. 21, teaches SGML with XML, HTML, and the Internet/World Wide Web.

k. Raggett, Dave; LeHors, Arnaud; Jacobs, Ian. "HTML 4.0 Specification" W3C Recommendation dated 13 December 1997. Teaches about HTML, its dependence upon SGML, and its use by browsers. It also notes the three HTML 4.0 DTDs, which all HTML 4.0-compliant browsers had to implement upon reading the appropriate DTD declaration in an HTML document.

l. Cottrell, Donald R. "Electronic Component Information Exchange." Proceedings of the 34th Annual Conference on Design Automation Conference (held 9-13 June 1997). Pages 559-563, teaches that SGML editors and readers (pg. 560, left column) use DTDs to "create, parse, and interpret information fragments."

m. Prescod, Paul. "Multiple Media Publishing in SGML." Proceedings of the 14th Annual International Conference on Marshaling New Technological Forces: Building a Corporate, Academic, and User-Oriented Triangle (held 19-22 October 1996). Pages 3-9, teaches publishing SGML on the Web.

n. Alexander, George; Altschuler, Liora. "SGML Europe '96: What's the Next Step for SGML?" Seybold Report on Publishing Systems, 30 June 1996, Vol. 25, No. 19, pg. 12, teaches SGML and various ways of integrating it with the Web, including existing HTML tools.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Perkins whose telephone number is (703) 305-5735. The examiner can normally be reached on Monday-Friday, 6:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9051 for regular communications and (703) 308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Michael J. Perkins
Patent Examiner
Art Unit 2776
August 3, 2000

JOSEPH H. FEILD
PRIMARY EXAMINER